

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DONALD DEHAR,

Plaintiff,

v.

Case No. 12-13994

DAVID KNIGHT,

Honorable Patrick J. Duggan

Defendant.

OPINION AND ORDER DENYING PLAINTIFF'S MOTION TO DISMISS

Plaintiff Donald Dehar ("Plaintiff") is a state prisoner currently incarcerated in Buckeye, Arizona. On September 11, 2012, Plaintiff initiated this *pro se* action by filing a civil rights complaint naming a prison counselor in Buckeye as the sole defendant. On October 11, 2012, the Court transferred Plaintiff's case to the District of Arizona on the basis of venue; and on October 12, 2012, the District of Arizona opened Plaintiff's case in Phoenix.

On October 22, 2012, this Court received a motion from Plaintiffs seeking the dismissal of his complaint with prejudice. In his motion, Plaintiff states that he does not desire a bad outcome for either himself or the named defendant, and does not wish to have the federal government interfere with the affairs of the State of Arizona or its Department of Corrections.

This Court has no authority to grant the requested relief, because "[j]urisdiction follows the file" *Miller v. Toyota Motor Corp.*, 554 F.3d 653, 654 (6th Cir. 2009)

(citing *Chrysler Credit Corp. v. Country Chrysler, Inc.*, 928 F.2d 1509, 1516-17 (10th Cir. 1991)). As such, once the Court transferred Plaintiff's case to the District of Arizona, it lost all jurisdiction over the case, including the grant Plaintiff's pending request.

Furthermore, the District of Arizona recently dismissed Plaintiff's Arizona case without prejudice and entered judgment in Defendant's favor. The basis for the dismissal was Plaintiff's failure to comply with the Arizona Court's orders for Plaintiff to either pay the filing fee or file a completed application to proceed *in forma pauperis* and certified statement of his trust fund account. *See Dehar v. Knight*, No. CV 12-2190-PHX-RCB (D. Ariz. Jan. 25, 2013).

To conclude, this Court has no jurisdiction to grant Plaintiff's pending motion. In any event, the motion is moot because the District of Arizona has already dismissed his case without prejudice.

Accordingly,

IT IS ORDERED that Plaintiff's motion to dismiss [ECF No. 5] is **DENIED**.

Dated: April 24, 2013

s/PATRICK J. DUGGAN
UNITED STATES DISTRICT JUDGE

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